OLR Bill Analysis
sSB 965

AN ACT CONCERNING ELIGIBILITY FOR A CERTAIN MUNICIPAL DISABILITY BENEFIT.

SUMMARY

This bill modifies eligibility requirements, the disability payment calculation, and payment procedures for an optional municipal disability benefit for certain public safety officers.

By law, municipalities may vote to provide payments to eligible public safety officers who are under age 65 and retire with permanent disabilities due to injuries they incurred in the course of their employment (see BACKGROUND). These municipal disability payments are in addition to any benefits the employees receive, such as workers’ compensation benefits, and are paid until the employee reaches age 65.

The bill additionally requires that an eligible employee:

1. be totally disabled for any suitable comparable public safety job, and as a result retired from service as a public safety employee;

2. be determined eligible by the disability retirement medical examining board (i.e., “examining board”); and

3. remain permanently and totally disabled, as determined by the examining board.

It removes the requirement that the individual’s injury be a severe, bodily injury and specifies the payments only continue while the employee remains permanently and totally disabled.

EFFECTIVE DATE: July 1, 2021

DISABILITY PAYMENT AMOUNT
Under the current law, the municipal disability payment amount is equal to the difference between the employee’s regular pay at the time of retirement and any amount he or she receives in workers’ compensation and other benefits. Under the bill, the amount is the difference between (1) the employee’s regular rate (which excludes, among other things, certain bonuses, holiday and sick pay, travel reimbursement, and employer pension contributions (CGS § 31-76b)) and (2) the annualized amount of any benefits he or she receives under state or federal law. By specifying the benefits include those provided under federal law, the bill may capture programs such as Social Security Disability.

The bill additionally requires the employee to provide any financial documentation to the municipal treasurer that the treasurer may need to calculate the payment. Under the bill, the payments must be paid in monthly, rather than annual, installments.

**MEDICAL EXAMINING BOARD FOR DISABILITY RETIREMENT**

The bill requires an employee to apply for and receive an initial and subsequent determination of eligibility from the examining board in the same manner municipal employees seeking disability retirement must. For employees of municipalities that participate in the Connecticut Municipal Employees Retirement System (CMERS), the determination required for the municipal disability payment may be made together with the determination required by CMERS.

By law, employees must apply in writing to the board within one year after incurring the disability. It must be shown to the satisfaction of the board that the disability arose out of and in the course of the individual’s municipal employment, as defined in state workers’ compensation law (CGS § 7-432(b) & (c)).

After 24 months, the board must confirm that the disability is ongoing, based on medical evidence and other documentation it requires to show the employee is totally disabled from serving in the position in which he or she was employed with the municipality (CGS § 7-432(d)).
Under the bill, the board must report its eligibility determination to the municipality’s chief executive officer, legislative body, and treasurer. The bill does not specify how the report is made or how soon it must be completed after the determination is made.

It removes the requirement that the municipality establish procedures to evaluate an employee’s eligibility and instead requires that the examining board make the determination, as described above.

BACKGROUND

**Eligible Public Safety Officers**

By law, public safety officers are uniformed members of a municipality’s paid fire department or regular members of its paid police department (PA 19-111).

**Municipal Vote**

Municipalities may provide payments to eligible disabled public safety employees by a two-thirds vote of their legislative bodies or board of selectmen if the legislative body is a town meeting (PA 19-111).

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/21/2021)